

ADJOURNMENT MOTION.

Mr. K. Kunjukrishna Pillai handed over to the President notice of a motion for the adjournment of the business of the House.

PRESIDENT : Mr. Kunjukrishna Pillai asks leave to make a motion for the adjournment of the business of the Council for the purpose of discussing a definite matter of urgent public importance, namely, the conduct of the Police towards the persons arrested at Alleppey in connection with the disobedience of prohibitory orders issued by the District Magistrate, Quilon.

This matter is now being enquired into by the District Magistrate, Quilon. A definite enquiry has been ordered by Government, and I do not consider it in the public interests to allow this motion.

Legislation.

THE POLICE REGULATION AMENDMENT BILL.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, I beg to move that the Bill to amend the Travancore Police Regulation, VI of 1094, be taken up for consideration.

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*): I second it.

The motion was put and carried.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, no notice of any amendments to the provisions contained in the Bill has been given. I think therefore that the clauses may be put.

The question that the preamble and clauses 1 and 2 of the Bill do form part of the Bill was then put and carried.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I beg to move that the Bill be taken up on a subsequent day and passed.

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*): I second it.

The motion was carried.

THE TRAVANCORE TOWN-PLANNING BILL.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, I rise to present the report of the Select Committee on the Travancore Town-Planning Bill and beg to move that the Bill as reported be taken up for consideration.

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*): I second it.

MR. K. NARAYANAPERUMAL NADAR (*Agastisvaram*): Mr. President, Sir, I rise to a point of order. As required by Standing Order No. 35, the report of the Select Committee has to be published in all the languages in which the original Bill was published. But, in this case

the publication has been made in English and in Malayalam; but no publication has been made in Tamil. Here is a member who knows only Tamil. It is absolutely impossible for him to vote on the Bill. So, I emphatically raise my protest against the consideration of the Bill at present.

MR. E. V. KRISHNA PILLAI (*Kottarakara cum Kunnattur*): Is the member sure that the original Bill was published in Tamil also?

MR. K. NARAYANAPERUMAL NADAR (*Agastisvaram*): In the Gazette dated 12th April 1932, I find its publication only in Malayalam and in English.

Further, there are many clauses in the Bill; and we have to study them before sending in our amendments. If the omission for publication is only of a small Bill with just one or two clauses, I can understand that.

PRESIDENT: You are wandering from your first point. If the Bill was not originally published in Tamil, your point of order does not arise.

MR. E. V. KRISHNA PILLAI (*Kottarakara cum Kunnattur*): The member has not answered my question.

PRESIDENT: I do not think you are entitled to compel the member to answer your question.

MR. K. NARAYANAPERUMAL NADAR (*Agastisvaram*): This is a clear violation of Standing Order No. 35.

MR. E. V. KRISHNA PILLAI (*Kottarakara cum Kunnattur*): Sir, the member has not answered me.

PRESIDENT: Mr. Nadar, was the original Bill published in Tamil?

MR. K. NARAYANAPERUMAL NADAR (*Agastisvaram*): Yes, Sir, it was published in Tamil.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): In which Gazette was it published in Tamil?

MR. K. NARAYANAPERUMAL NADAR (*Agastisvaram*): It was published in Tamil. I will challenge the Law Member on that point.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I want to know the date of the Gazette.

MR. K. NARAYANAPERUMAL NADAR (*Agastisvaram*): I do not know the date of the Gazette. But I can assure him that it was published in Tamil.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): At present, I am prepared to accept the assurance given by the member that the original Bill was published in Tamil. But in fairness to me and to the House, having known, before he came here this morning, that the original Bill was published in Tamil and that the Select Committee's report has not now been published in Tamil, he ought to have given me timely information of it. Then, I would have come better prepared to meet the point.

MR. S. KRISHNA PILLAI (*Karunagapalli*): How does the member know that Mr. Nadar knew of this even before he came here this morning? Why should the member make such inferences which are not warranted by facts?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Mr. Nadar himself has stated that he could challenge me that the original Bill was published in Tamil; and yet he could not give the date of the publication because the Gazette was not with him; that means that he saw the Tamil publication before he came here.

MR. K. NARAYANAPERUMAL NADAR (*Agastiswaram*): May I know the duties of the Law Member, please?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): That question is irrelevant. We are now at the point of order raised by the member, and I was saying that, in fairness, he could have told me of it before he raised his objection now, so that I might have been in full possession of the facts of the case and reply to the doubts of the member.

MR. A. THANU PILLAI (*Trivandrum*): Sir, does the Law Member suggest that there is an obligation on the part of the members of this House to give him, or the Secretary to the Legislative Council, timely information of such matters?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): The expression "*in fairness*" has an acknowledged meaning. I believe that it implies that there is no *obligation*. As it is, Sir, I have no objection to the consideration of the Bill being postponed. But, I may say that there is no Standing Order which says that the Bill *cannot* be taken up for consideration because it has not been published in Tamil. If Mr. Nadar can enlighten the House by pointing out the Standing Order that he relies on, I shall be very thankful to him.

MR. K. NARAYANAPERUMAL NADAR (*Agastiswaram*): Standing Order 35 clearly says that the second reading of a Bill could be had only if the publication of it as revised by the Select Committee is made in all the languages in which the original Bill had been published. The original Bill was published in three languages. Now, the publication of the Bill as revised is found only in two languages. It follows from this as the tail follows the head, that the second reading of the Bill cannot be proceeded with. There is a saying in Tamil which is appropriate to the reply now given by the Law Member—"இருட்டைக்கொண்டு ஒட்டையை அடைக்குகிறதுபோல்" i. e., attempting to conceal a hole or leakage with darkness, or hiding a hole in darkness and pointing out that there is no leakage or hole. The reply given by the Law Member is extremely unsatisfactory. I, therefore, beg to point out that the second reading of the Town-Planning Bill should be postponed.

PRESIDENT: I do not think that the omission pointed out by the member is fatal to our proceeding with the consideration of the Bill. I overrule the objection raised.

MR. K. C. CHANDI (*Minachil cum Devicolum*): I rise to another point of order. Sub-clause 1 of Standing Order 37 lays down that a copy of the report and of the Bill should be made available to the members seven clear days before the day of the meeting.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): When did the member get the copies of the Report?

MR. K. C. CHANDI (*Minachil cum Devicolum*): I got it on the 4th of this month. I do not think I am the only person who had this misfortune.

PRESIDENT: Is there any other member who objects to the consideration of the Bill at the present moment for this reason?

MR. K. KRISHNAN NAYAR (*Pattanamtitta*): I also object, to the consideration of the Bill being proceeded with, on this ground.

PRESIDENT: You did not get the copy of the Report in time?

MR. K. KRISHNAN NAYAR (*Pattanamtitta*): No.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Did the member get a copy of the report of the Select Committee at least though not of the Bill as amended?

MR. K. C. CHANDI (*Minachil cum Devicolum*): I got the Report only on the 4th Medam.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, there is a Standing Order which says that the report of the Select Committee must be made available to the members not less than seven days before the date of the meeting at which it is to be taken up for consideration. At the same time there is the provision that that standing Order could be suspended by the President. Standing Order 37 says:

"After the presentation of the final report of the Select Committee on a Bill the member in charge may move:

(i) that the Bill as reported.....be taken into consideration, but any member may object.....if a copy of the report has not been available.....for seven days; and such objection shall prevail *unless the President in the exercise of his power to suspend this order* allows the report to be taken into consideration;.....'

Anyway, if the members seriously object to the Bill being proceeded with now, on the ground that they had no facility or time to send in their amendments, I have no objection to postpone the consideration of the Bill till tomorrow. But, if it is merely a technical objection that is now being raised, I should point out that there is Standing Order 37 under which the President can suspend the provision which lays down that copies of the report should be made available to the members seven days before the date of the meeting.

MR. K. P. ABRAHAM (*Muvattupuzha cum Todupuzha*): Has any member sent up notice of any amendment to this Bill?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Yes, there is Mr. Narayanaperumal Nadar who has given notice of some amendments.

RAO BAHADUR A. VENKATARAMA AIYAR (*Nominated, Deputy President*): I need hardly point out that the object of the Standing Order is that the copy of the report and that of the Bill as amended should be at the disposal of the members for a sufficiently long period to enable them to send up amendments. It is found from the Standing Orders that the members have to send up notices of their amendments six clear days before the date of the meeting. Under Standing Order 37, the members have to be supplied with copies of the Bill seven clear days before the date of the meeting. This clearly shows that the provision is intended to enable the members to send up their amendments in time. It is not a mere technical objection as the Law Member points out. I think, in such matters, a liberal construction must be put on the provisions; and we must see that the provisions regarding notices are complied with so as to enable the members to discharge their duties properly. In an important Bill like this, *viz.*, the Town-Planning Bill, it would be rather anomalous to hurry its consideration like this.

PRESIDENT: The consideration of the Bill may be postponed till to-morrow.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Yes, Sir. Mr. Chandi, or any other member, can give notice of amendments, to the Secretary, in the course of the day.

MR. A. S. DAMODARAN ASAN (*Mavelikara cum Kartikapalli*): I am not able to understand the Law Member, if, as the Deputy President said, the rule is strict and must be observed.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Mr. Venkatarama Aiyar has totally misunderstood what I said. There is no doubt about the rule or its interpretation. That is quite clear. All that I said was that the rule is one that may be suspended by the President. Mr. Venkatarama Aiyar said that amendments would require six days' notice. True, but he has not noticed that that rule also can be suspended by the President, and that is why I said that any member may send amendments today and that I shall not object to it.

RAO BAHADUR A. VENKATARAMA AIYAR (*Nominated, Deputy President*): Some of the members could not send up amendments six days before the date of the meeting as provided in the rules, because they did not get the Bill seven clear days before the date of the meeting.

PRESIDENT: There need be no further discussion on the point. The question has been decided. The consideration of the Bill has been postponed for to-morrow.

MR. S. KRISHNA PILLAI (*Karunagapalli*): Are not the other members entitled to get notice of the amendments to be proposed? As it is, till about 5 o' clock this evening, the members can give notices of amendments.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): They are at perfect liberty to send in amendments to the Bill any time this day and we may take them up for consideration to-morrow.

MR. S. KRISHNA PILLAI (*Karunagapalli*): But when will they be circulated to us? Are we not entitled to notice of the amendments proposed?

MR. A. THANU PILLAI (*Trivandrum*): I suppose, the Standing Orders are not meant so much to be suspended as to be observed.

PRESIDENT: The question has already been decided and you are not allowed to speak on it, Mr. Thanu Pillai.

THE TRAVANCORE JENMI AND KUDIYAN REGULATION AMENDMENT BILL.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, I rise to present the report of the Select Committee on the Jenmi and Kudiyan Regulation Amendment Bill, which was re-committed to a Committee at the last meeting of the Council, and I beg to move that the Bill as reported be taken up for consideration. I may mention that, when this Bill was taken up for consideration on the last occasion, a motion was passed that the Bill should be re-committed to a fresh Select Committee to report on certain points and that the Committee should submit the necessary legislative provisions. In accordance with that reference, the Committee has met and taken evidence on the point of reference, and has adopted a formula and made the necessary legislative provisions. The report has now been placed before the House for consideration. I must explain, however, one particular point. The formula that has been adopted has been mentioned in the report and that has been implemented by the revised Bill. But, in the acceptance of the formula there has been a difference of opinion between the majority and the minority in the Committee, the minority being the jenmi members. Their point of view is that this formula could be accepted only if the Government would undertake to collect their dues. That is a point which is for the Government to decide. They have not yet decided. The majority in the Committee however are quite agreeable to the Government undertaking the responsibility of collecting the jenmies' dues. But, the Government are not just now in a position to say one way or the other. I am prepared to concede that *prima facie* the jenmies' demand seems worthy of consideration; but the matter has to be examined from various aspects. The only thing that Government can assure at present is that they will seriously consider the matter. That being so, I should not have, under ordinary circumstances, brought forward this Bill for consideration at this meeting *i. e.*, to say, before the Government have decided this question one way or the other. But, I have brought it up now, because, at the last meeting, when the Bill was re-committed, a mandate was given by the Council that the Bill must be brought forward at this meeting. It is in obedience to that mandate that I am placing the Bill for the consideration of the House now.

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*): സർ, ജനികിയാൻ ബില്ലിനെ സംബന്ധിച്ച രൂപീകരിച്ചിട്ടുള്ളതായ സിലക്ററകമ്മിറ്റിയുടെ റിപ്പോർട്ട് ഇവിടെ സമർപ്പിക്കയും അത് ഈ കൗൺസിലിൽ ആ